

ORDER SUMMARY – Case Number: C-16-1920

Name(s): V2S Technologies, Inc. d/b/a Home Rescue Center d/b/a Mortgage Relief Portal; Brian J. Kucsan

Order Number: C-16-1920-17-FO01

Effective Date: 05/05/17

License Number: NMLS #1237734
Or NMLS Identifier [U/L] _____

License Effect: n/a

Not Apply Until: Never

Not Eligible Until: Never

Prohibition/Ban Until: Permanent prohibition

Investigation Costs	\$2,510.40	Due: 06/4/17	Paid <input type="checkbox"/> Y <input checked="" type="checkbox"/> N	Date
Fine	\$15,000.00	Due:06/4/17	Paid <input type="checkbox"/> Y <input checked="" type="checkbox"/> N	Date
Assessment(s)	\$0	Due	Paid <input type="checkbox"/> Y <input type="checkbox"/> N	Date
Restitution	\$0	Due	Paid <input type="checkbox"/> Y <input type="checkbox"/> N	Date
Judgment	\$0	Due	Paid <input type="checkbox"/> Y <input type="checkbox"/> N	Date
Satisfaction of Judgment Filed?		<input type="checkbox"/> Y <input type="checkbox"/> N		
No. of Victims:				

Comments: _____

1 **STATE OF WASHINGTON**
2 **DEPARTMENT OF FINANCIAL INSTITUTIONS**
3 **DIVISION OF CONSUMER SERVICES**

4 IN THE MATTER OF DETERMINING
5 Whether there has been a violation of the
6 Mortgage Broker Practices Act of Washington
7 by:

No.: C-16-1920-17-FO01

FINAL ORDER

8 V2S TECHNOLOGIES, INC. d/b/a HOME
9 RESCUE CENTER d/b/a MORTGAGE RELIEF
10 PORTAL and BRIAN J. KUCCAN d/b/a V2S
11 TECHNOLOGIES,

12 Respondents.

13 **I. DIRECTOR'S CONSIDERATION**

14 A. Default. This matter has come before the Director of the Department of Financial
15 Institutions of the State of Washington (Director), through her designee, Consumer Services Division
16 Director Charles E. Clark (Director's designee), pursuant to RCW 34.05.440(1). On January 31,
17 2017, the Director, through the Director's designee, issued a Statement of Charges and Notice of
18 Intent to Enter an Order to Cease and Desist Business, Prohibit from Industry, Order Restitution,
19 Impose Fine, Collect Investigation Fee, and Recover Costs and Expenses (Statement of Charges)
20 against V2S Technologies, Inc. d/b/a Home Rescue Center d/b/a Mortgage Relief Portal (Respondent
21 V2S) and Brian J. Kucsan (Respondent Kucsan). A copy of the Statement of Charges is attached and
22 incorporated into this order by this reference. The Statement of Charges was accompanied by a cover
23 letter dated February 1, 2017, a Notice of Opportunity to Defend and Opportunity for Hearing, and a
24 blank Application for Adjudicative Hearing for each Respondent (collectively, accompanying
documents).

On February 1, 2017, the Department served Respondents with the Statement of Charges and
accompanying documents by First-Class mail and Federal Express overnight delivery. On February

1 2, 2017, the documents sent by Federal Express overnight delivery were delivered. The documents
2 sent by First-Class mail were not returned to the Department by the United States Postal Service as
3 undeliverable.

4 Respondents did not request an adjudicative hearing within twenty calendar days after the
5 Department served the Notice of Opportunity to Defend and Opportunity for Hearing, as provided for
6 in WAC 208-08-050(2).

7 B. Record Presented. The record presented to the Director's designee for his review and
8 for entry of a final decision included the Statement of Charges, cover letter dated February 1, 2017,
9 Notice of Opportunity to Defend and Opportunity for Hearing, and blank Application for
10 Adjudicative Hearing for each Respondent, with documentation for service.

11 C. Factual Findings and Grounds for Order. Pursuant to RCW 34.05.440(1), the
12 Director's designee hereby adopts the Statement of Charges, which is attached hereto.

13 II. FINAL ORDER

14 Based upon the foregoing, and the Director's designee having considered the record and being
15 otherwise fully advised, NOW, THEREFORE:

16 A. IT IS HEREBY ORDERED, That:

- 17 1. Respondents V2S Technologies, Inc. and Brian J. Kucsan shall cease and desist
18 engaging in the business of a mortgage broker or loan originator.
- 19 2. Respondents V2S Technologies, Inc. and Brian J. Kucsan are permanently
20 prohibited from participation, in any manner, in the conduct of the affairs of any
21 mortgage broker subject to licensure by the Director.
- 22 3. Respondents V2S Technologies, Inc. and Brian J. Kucsan shall jointly and
23 severally pay a fine, which as of the date of this Statement of Charges totals
24 \$15,000.
4. Respondents V2S Technologies, Inc. and Brian J. Kucsan shall jointly and
severally pay an investigation fee, which as of the date of this Statement of
Charges totals \$2,510.40.

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2 5. Respondents V2S Technologies, Inc. and Brian J. Kucsan shall maintain records
3 in compliance with the Act and provide the Department with the location of the
4 books, records and other information relating to Respondents' provision of
residential mortgage loan modification services in Washington, and the name,
address and telephone number of the individual responsible for maintenance of
such records in compliance with the Act.

5 B. Reconsideration. Pursuant to RCW 34.05.470, each Respondent has the right to file a
6 Petition for Reconsideration stating the specific grounds upon which relief is requested. The Petition
7 must be filed in the Office of the Director of the Department of Financial Institutions by courier at
8 150 Israel Road SW, Tumwater, Washington 98501, or by U.S. Mail at P.O. Box 41200, Olympia,
9 Washington 98504-1200, within ten (10) days of service of the Final Order upon Respondent. The
10 Petition for Reconsideration shall not stay the effectiveness of this order nor is a Petition for
11 Reconsideration a prerequisite for seeking judicial review in this matter.

12 A timely Petition for Reconsideration is deemed denied if, within twenty (20) days from the
13 date the petition is filed, the agency does not (a) dispose of the petition or (b) serve the parties with a
14 written notice specifying the date by which it will act on a petition.

15 C. Stay of Order. The Director's designee has determined not to consider a Petition to
16 Stay the effectiveness of this order. Any such requests should be made in connection with a Petition
17 for Judicial Review made under chapter 34.05 RCW and RCW 34.05.550.

18 D. Judicial Review. Each Respondent has the right to petition the superior court for
19 judicial review of this agency action under the provisions of chapter 34.05 RCW. For the
20 requirements for filing a Petition for Judicial Review, see RCW 34.05.510 and sections following.

21 E. Non-compliance with Order. If you do not comply with the terms of this order,
22 **including payment of any amounts owed within 30 days of receipt of this order**, the Department
23 may seek its enforcement by the Office of the Attorney General to include the collection of the fine,

1 investigation fee, and restitution imposed herein. The Department also may assign the amounts owed
2 to a collection agency for collection.

3 F. Service. For purposes of filing a Petition for Reconsideration or a Petition for Judicial
4 Review, service is effective upon deposit of this order in the U.S. mail, declaration of service
5 attached hereto.

6 DATED this 5th day of May, 2017.

7 STATE OF WASHINGTON
8 DEPARTMENT OF FINANCIAL INSTITUTIONS

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10 /s/
11 CHARLES E. CLARK
12 Director
13 Division of Consumer Services
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1 **STATE OF WASHINGTON**
2 **DEPARTMENT OF FINANCIAL INSTITUTIONS**
3 **DIVISION OF CONSUMER SERVICES**

4 IN THE MATTER OF DETERMINING
Whether there has been a violation of the
Mortgage Broker Practices Act of Washington by:

5 V2S TECHNOLOGIES, INC. d/b/a HOME
6 RESCUE CENTER d/b/a MORTGAGE RELIEF
PORTAL and BRIAN J. KUCSAN d/b/a V2S
7 TECHNOLOGIES,

8 Respondents.

No. C-16-1920-17-SC01

STATEMENT OF CHARGES and
NOTICE OF INTENT TO ENTER AN
ORDER TO CEASE AND DESIST
BUSINESS, PROHIBIT FROM
INDUSTRY, ORDER RESTITUTION,
IMPOSE FINE, COLLECT
INVESTIGATION FEE, and RECOVER
COSTS AND EXPENSES

9 **INTRODUCTION**

10 Pursuant to RCW 19.146.220 and RCW 19.146.223, the Acting Director of the Department of
11 Financial Institutions of the State of Washington (Acting Director) is responsible for the
12 administration of chapter 19.146 RCW, the Mortgage Broker Practices Act (Act). After having
13 conducted an investigation pursuant to RCW 19.146.235, and based upon the facts available as of the
14 date of this Statement of Charges, the Acting Director, through her designee, Division of Consumer
15 Services Director Charles E. Clark, institutes this proceeding and finds as follows:

16 **I. FACTUAL ALLEGATIONS**

17 **1.1 Respondents.**

18 **A. V2S Technologies, Inc. (Respondent V2S)** is a corporation registered with the
19 California Secretary of State. Respondent V2S has done business as Home Rescue Center and
20 Mortgage Relief Portal. Respondent V2S has never been licensed by the Department of Financial
21 Institutions of the State of Washington (Department) to conduct business as a mortgage broker.

22 **B. Brian J. Kucsan (Respondent Kucsan)** has done business as V2S Technologies.
23 During the relevant time period, Respondent Kucsan was not licensed by the Department to conduct
24 business as a mortgage broker or loan originator.

1 **1.2 Unlicensed Activity.** Between at least February 9, 2015, and April 15, 2015, Respondents
2 were offering residential mortgage loan modification services to Washington consumers on property
3 located in Washington State. The Department received at least one complaint alleging Respondents
4 offered to provide residential mortgage loan modification services while not licensed by the
5 Department to provide those services. Respondents requested fees of \$195 and \$297 to provide loan
6 modification services.

7 **1.3 Failure to Comply with Director's Authority.**

8 **A.** On or about September 8, 2014, Respondent Kucsan, under the Department's Consent
9 Order No. C-13-1340-14-CO01, agreed to a prohibition from participation in the conduct of any
10 licensed mortgage broker for a period of five years from the date of the Consent Order.

11 **B.** On or about September 3, 2015, the Department issued a subpoena to Respondents.
12 As of the date of the Statement of Charges, Respondents have never provided a response to the
13 Department's subpoena.

14 **1.4 Misrepresentations and Omissions.** Respondents represented that they were licensed to
15 provide the residential mortgage loan modification services or omitted disclosing that they were not
16 licensed to provide those services.

17 **1.5 On-Going Investigation.** The Department's investigation into the alleged violations of the
18 Act by Respondents continues to date.

19 **II. GROUNDS FOR ENTRY OF ORDER**

20 **2.1 Mortgage Broker Defined.** Pursuant to RCW 19.146.010(14), "Mortgage broker" means any
21 person who for direct or indirect compensation or gain, or in the expectation of direct or indirect
22 compensation or gain (a) assists a person in obtaining or applying to obtain a residential mortgage
23 loan or performs residential mortgage loan modification services or (b) holds himself or herself out as
24

1 being able to assist a person in obtaining or applying to obtain a residential mortgage loan or provide
2 residential mortgage loan modification services.

3 **2.2 Loan Originator Defined.** Pursuant to RCW 19.146.010(11)(b), "Loan originator" means a
4 natural person who for direct or indirect compensation or gain or in the expectation of direct or
5 indirect compensation or gain performs residential mortgage loan modification services or holds
6 himself or herself out as being able to perform residential mortgage loan modification services.

7 **2.3 Requirement to Obtain and Maintain Mortgage Broker License.** Based on the Factual
8 Allegations set forth in Section I above, Respondents are in apparent violation of RCW 19.146.200(1)
9 for engaging in the business of a mortgage broker for Washington residents or property without first
10 obtaining a license to do so.

11 **2.4 Requirement to Obtain and Maintain Loan Originator License.** Based on the Factual
12 Allegations set forth in Section I above, Respondents are in apparent violation of RCW 19.146.200(1)
13 for engaging in the business of a loan originator without first obtaining and maintaining a license.

14 **2.5 Prohibited Acts.** Based on the Factual Allegations set forth in Section I above, Respondents
15 are in apparent violation of RCW 19.146.0201(2) for engaging in an unfair or deceptive practice
16 toward any person.

17 **2.6 Requirement to Comply with Director's Authority.** Based on the Factual Allegations set
18 forth in Section I above, Respondent Kucsan is in apparent violation of the Act for failing to comply
19 with any order of the Director, and Respondents are in apparent violation of RCW 19.146.235 for
20 failing to comply with the Director's investigation authority.

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1 **III. AUTHORITY TO IMPOSE SANCTIONS**

2 **3.1 Authority to Issue an Order to Cease and Desist.** Pursuant to RCW 19.146.220(4)¹, the
3 Director may issue orders directing any person subject to the Act to cease and desist from conducting
4 business.

5 **3.2 Authority to Prohibit from Industry.** Pursuant to RCW 19.146.220(5)², the Director may
6 issue orders prohibiting from participation in the conduct of the affairs of a licensed mortgage broker
7 any person subject to licensing under the Act for any violation of the Act.

8 **3.3 Authority to Order Restitution.** Pursuant to RCW 19.146.220(2), the Director may order
9 restitution against any person subject to the Act for any violation of the Act.

10 **3.4 Authority to Impose Fine.** Pursuant to RCW 19.146.220(2), the Director may impose fines
11 against any person subject to the Act for any violation of the Act.

12 **3.5 Authority to Collect Investigation Fee.** Pursuant to RCW 19.146.228(2) and WAC 208-
13 660-550(4)(a), the Department will charge forty-eight dollars per hour for an examiner’s time devoted
14 to an investigation of any person subject to the Act.

15 **3.6 Authority to Recover Costs and Expenses.** Pursuant to RCW 19.146.221(2), the Director
16 may recover the state’s costs and expenses for prosecuting violations of the Act.

17 **IV. NOTICE OF INTENT TO ENTER ORDER**

18 Respondents’ violations of the provisions of chapter 19.146 RCW and chapter 208-660 WAC, as
19 set forth above constitute a basis for the entry of an Order under RCW 19.146.220, RCW 19.146.221,
20 and RCW 19.146.223. Therefore, it is the Acting Director’s intent to ORDER that:

21 **4.1** Respondents V2S Technologies, Inc. and Brian J. Kucsan cease and desist engaging in the
22 business of a mortgage broker or loan originator.

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24 ¹ Amended to RCW 19.146.220(3) effective July 24, 2015.
² Amended to RCW 19.146.220(4) effective July 24, 2015.
STATEMENT OF CHARGES 4
C-16-1920-17-SC01
V2S TECHNOLOGIES, INC. d/b/a HOME RESCUE
CENTER d/b/a MORTGAGE RELIEF PORTAL and BRIAN
J. KUCSAN d/b/a V2S TECHNOLOGIES

- 1 **4.2** Respondents V2S Technologies, Inc. and Brian J. Kucsan be permanently prohibited from
2 participation, in any manner, in the conduct of the affairs of any mortgage broker subject to
3 licensure by the Director.
- 4 **4.3** Respondents V2S Technologies, Inc. and Brian J. Kucsan jointly and severally pay restitution
5 to each Washington consumer with whom they entered into a contractual relationship for
6 residential mortgage loan modification services related to real property or consumers located
7 in the state of Washington equal to the amount collected from that Washington consumer for
8 those services in an amount to be determined at hearing.
- 9 **4.4** Respondents V2S Technologies, Inc. and Brian J. Kucsan jointly and severally pay a fine,
10 which as of the date of this Statement of Charges totals \$15,000.
- 11 **4.5** Respondents V2S Technologies, Inc. and Brian J. Kucsan jointly and severally pay an
12 investigation fee, which as of the date of this Statement of Charges totals \$2,510.40.
- 13 **4.6** Respondents V2S Technologies, Inc. and Brian J. Kucsan jointly and severally pay the
14 Department's costs and expenses for prosecuting violations of the Act in an amount to be
15 determined at hearing or by Declaration with supporting documentation in event of default by
16 Respondents.
- 17 **4.7** Respondents V2S Technologies, Inc. and Brian J. Kucsan maintain records in compliance
18 with the Act and provide the Department with the location of the books, records and other
19 information relating to Respondents' provision of residential mortgage loan modification
20 services in Washington, and the name, address and telephone number of the individual
21 responsible for maintenance of such records in compliance with the Act.

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1 **V. AUTHORITY AND PROCEDURE**

2 This Statement of Charges is entered pursuant to the provisions of RCW 19.146.220, RCW
3 19.146.221, RCW 19.146.223, and RCW 19.146.230, and is subject to the provisions of chapter 34.05
4 RCW (The Administrative Procedure Act). Respondents may make a written request for a hearing as
5 set forth in the NOTICE OF OPPORTUNITY TO DEFEND AND OPPORTUNITY FOR HEARING
6 accompanying this Statement of Charges.

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8 Dated this 31st day of January, 2017.

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11 /s/
12 **CHARLES E. CLARK**
13 Director, Division of Consumer Services
14 Department of Financial Institutions

15 Presented by:

16 /s/
17 **RACHELLE VILLALOBOS**
18 Financial Legal Examiner

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20 Approved by:

21 /s/
22 **STEVEN C. SHERMAN**
23 Enforcement Chief